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10/694,314	10/27/2003	Edgar Hoppe	070255.0630	3551

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BAKER BOTTS L.L.P.
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98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2623

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09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,314	Applicant(s) HOPPE ET AL.	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/25/04; 8/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed October 27, 2003.
2. Claims 1-33 have been examined. Claims 1, 16, 17 and 19 are independent claims.

Priority

3. The priority date considered for this application is October 29, 2002, which is the filing date of the German Patent Application No. 102 50 356.7. A certified copy of the priority application has been received and placed in the application file.

Oath/Declaration

4. The Office acknowledges receipt of a properly signed oath/declaration filed February 4, 2006.

Information Disclosure Statement

5. The Office acknowledges receipt of the Information Disclosure Statements filed June 25, 2004 and August 3, 2004. They have been placed in the application file and the information referred to therein has been considered.

Drawings

6. The drawings filed October 27, 2003 are accepted by the examiner.

Specification

7. The specification is objected to because of the following minor informalities:

- a. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
- b. The use of trademarks, such as Hot Bird 3 has been noted in this application (p. 17, lines 4 and 7). Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in a manner which might adversely affect their validity as trademarks.

To expedite correction on this matter, the examiner suggests the following guidelines for Applicant to follow in amending the specification:

- i. capitalize each letter of a trademark or accompany the trademark with an appropriate designation symbol, e.g., TM or ®, as appropriate;

- ii. use each trademark as an adjective modifying a description noun. For example, it would be appropriate to recite “the JAVA platform” or “the JAVA programming language.” Note that in these examples, “platform” and “programming language” provide accompanying generic terminology, describing the context in which the trademark is used. By itself, the trademark JAVA specifies only the source of the so-labeled products, namely SUN Microsystems, Inc.

- c. at p. 24, lines 18 and 22, the reference numeral “41” is used to designate two different entities (e.g. “moderator” and “teacher”).

Claim Objection

- 8. Claims 5, 8, 16, 19, 23, 26 and 28 are objected to because of the following minor informalities:

Claim 5:

the clause “wherein the TVdecoder feeds the received data ..., is coupled to the production studio...” appears to be ungrammatical. Should the clause reads – wherein the Tvdecoder, which feeds the received data..., is coupled to the production studio -- ?

the limitation “the satellite transmission channel” appears to lack proper antecedent basis.

Claim 8: the limitation “the moderator or teacher” at line 3 appears to lack proper antecedent basis.

Claim 16: the verb “occur” appears to not agree with the subject “the transmission of the digitized data” which is in singular.

Claim 19: the limitation “the information” at lines 4-5 appears to lack proper antecedent basis. It is unclear as to which information, e.g., information transmissions, TVinformation, or digital information this limitation refers.

Claim 23: the limitation “the satellite transmission channel” at line 5 appears to lack proper antecedent basis.

Claim 26: the limitation “the moderator or teacher” at line 3 appears to lack proper antecedent basis.

Claim 28: the limitation “the software” appears to lack proper antecedent basis.

Appropriate corrections are required.

Claim Rejections – 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or foreign country, before the invention thereof by the applicant for patent.

10. Claims 1-5, 7-23 and 25-33 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0133405 by Newnam et al. ("Newnam").

Claim 1

Newnam discloses at least *a method for information exchange, comprising the steps of:*
producing information transmissions in a broadcast standard (see at least [0007]; FIGs. 1-4, 6, 8);

sending the information live from a studio (see at least [0007]; FIGs. 1-4, 6, 8);
digitizing the sent data and then transmitting the digitized data via satellite as IP multicast packets (see at least [0028-0030]; [0017]);

receiving the data by a TV decoder and feeding them into a data and/or communications network (see at least FIG. 2, Poll data 310 being received by Set-top Client 110, which has a TV decoder and the answer to the Poll data is returned back to the Server System 200 via the communications network; see also FIG. 7);

installing software on a data processing equipment, like PCs or workplace computers, in which the software, after the data processing device has been connected to the data and/or communications network, permits receiving of information transmissions and use of at least part of the functions furnished by the information transmission (see at least [0041]; [0032]);

dialing via a portal to access an information transmission (see at least [0029]);
and

using the functions furnished by the information transmission via communications connections between the data processing equipment and studio for an interactive information exchange (see at least [0029-0033]; [0035-0036]).

Claim 2

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein access to an information transmission and/or use of the functions provided by the information transmission occurs as a function of access authorization* (see at least [0029]; accessing WebTV using dial-up communication requires authentication).

Claim 3

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein access to an information transmission occurs after dialing at the portal and call-up of a link for information transmission* (see at least [0029]).

Claim 4

The rejections of base claim 1 and intervening claim 2 are incorporated. Newnam does not specifically disclose *wherein access authorizations are sent by email and/or an SMS method to a selected group of persons*. However, this feature is deemed inherent to Newnam's chat facilities (see at least FIG. 9) which require an apparent authorization process because in order to join a chatroom a user has to give his/her e-mail address. See also definition below:

Chat "is a bit like e-mail in real time. Users have conversations via the keyboard in "Chat rooms" with other users. Chat has been criticized for being addictive as well as concerns over unsuitable contact between children and adults. To join a chatroom you usually have to give your e-mail address and this can lead to spam.

www.smallbizonline.co.uk/glossary_of_internet_terms.php"

Thus, without sending request for participation and authorization by the other party, chat session cannot be conducted.

Claim 5

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein the TV decoder feeds the received data into a local network, like a local area network (LAN) and/or an audio feedback channel from a data processing unit, like a PC or workplace computer, is coupled to the production studio of the information transmission via a virtual private network (VPN) separate from the satellite transmission channel* (see at least FIG. 2, Poll data 310 being received by Set-top Client 110, which has a TV decoder and the answer to the Poll data is returned back to the Server System 200 via the communications network; see also FIG. 7).

Claim 7

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein playback of the information transmission on the data processing equipment, like PCs or workplace computers, occurs with one or more Web browsers* (see at least [0041]).

Claim 8

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein, for playback of information transmissions in a Web browser, several windows, like a window for live presentation of the moderator or teacher in the studio (film window) or a window for presentation of graphics and/or tests (graphics window), are provided* (see at least [0041]; FIG. 9; claim 12; [0037]).

Claim 9

The rejections of base claim 1 and intervening claim 8 are incorporated. Newnam further discloses *wherein the windows provided for playback of information transmissions in a Web browser are sent in full screen representation* (see at least FIG. 9).

Claim 10

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein the software, after log-on at a portal, is installed by an initial applet on the data processing equipment or software installed on the data processing equipment is updated after log-on at the portal* (see at least [0032]; [0041]).

Claim 11

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein the functions provided by the information transmission include execution and/or evaluation of surveys, execution and/or evaluation of multiple choice tests (MCT), layout, connection and/or management of telephone connections, data transmission, especially text transmission, between the data processing equipment and production studio and/or management* (see at least [0034-0036]; [0050]).

Claim 12

The rejections of base claim 1 and intervening claim 11 are incorporated. Newnam does not specifically disclose *wherein surveys and/or tests are designed as HTML-programmed files*. However, this feature is deemed inherent in the Newnam's questions and answers or real-time polls and trivia to be displayed on the end-user's screen. Without using the HTML, the end-user's screen does not know how to display the questions and answers or trivias. Furthermore if there are questions and answers that require linking to another location of the same document or to another document, HTML or derivatives of HTML must be used. Moreover, Newnam, in [0041],

discloses that the base software can be incorporated in other software, such as in browser, one of the definitions of which is shown below:

[a] browser, or web browser, is the software used to view web pages and interact with various kinds of Internet resources. The browser interprets the HTML used to format web documents and recreates the page on your screen. There are a variety of web browsers available, the two most common being Microsoft's Internet Explorer and Netscape's Navigator.

www.liv.ac.uk/webteam/glossary/

Claim 13

The rejections of base claim 1 and intervening claim 11 are incorporated. Newnam further discloses *wherein a time limitation is stipulated for processing of surveys and/or tests and after this time elapses, the survey and/or test files are automatically closed for processing* (see at least [0048]).

Claim 14

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein data and/or files, like text files, sent to the production studio and/or management are conveyed as email and/or as SMS messages to one or more designatable receivers* (see at least [0035-0036]).

Claim 15

The rejection of base claim 1 is incorporated. Newnam further discloses *wherein the method is carried out in a computer program which can be downloaded from an electronic data network, like the Internet, to a data processing unit connected to the data network* (see at least [0041]).

Claim 16

Since Claim 16 is an independent claim that recites *an arrangement with at least one processor and/or chip setup so that a method for information exchange can be carried out, comprising the same steps of the method recited in Claim 1*, the same rejection is thus applied.

Claim 17

Since Claim 17 is an independent claim that recites *a computer program product stored on a computer readable storage medium for, when run on a computer, carrying out a method for information exchange, comprising the same steps of the method recited in Claim 1*, the same rejection is thus applied.

Claim 18

The rejection of base claim 17 is incorporated. Since Claim 18 recites the same features of Claim 15, the same rejection is thus applied.

Claim 19

Newnam discloses at least *a method for information exchange, comprising the steps of:*

producing information transmissions in a broadcast standard wherein the information transmissions include TV information and digital information (see at least [0007];

FIGs. 1-4, 6, 8);

sending the information live from a studio (see at least [0007]; FIGs. 1-4, 6, 8);

receiving the information (see at least FIG. 2, Poll 310 at 100, 110, 120, 130; FIG. 3, information received at 110; FIG. 4, information received at 50; FIG. 6, 520 received at 100, 110, 120, 130; FIG. 7, FIG. 8);

extracting video information and digital information (see at least FIG. 9, e.g., the video is extracted to be displayed in 410 and the digital is extracted to be displayed in 720 or 730 or 710);

feeding the extracted video and digital information into a data processing equipment and connecting the data processing equipment to a data and/or communication network and accessing a main data processing equipment associated with the studio through the data and/or communication network (see at least FIG. 2, Poll data 310 being received by Set-top Client 110, which has a TV decoder and the answer to the Poll data is returned back to the Server System 200 via the communications network; see also FIG. 7);

decoding functions from the extracted digital information (see at least FIG. 9 and [0054]; in the case of the STB 110, the claimed “decoding functions” is interpreted as the adjustment of the placement of the interactive components based on the different type of the client device by the content display interface);
and

using the functions furnished by the digital information via the established communications connection between the data processing equipment and the studio for an interactive information exchange (see at least [0029-0033]; [0035-0036]).

Claim 20

The rejection of base claim 19 is incorporated. Since Claim 20 recites the same feature of Claim 2, the same rejection is thus applied.

Claim 21

The rejection of base claim 19 is incorporated. Since Claim 21 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 22

The rejections of base claim 19 and intervening claim 20 are incorporated.
Since Claim 22 recites the same feature of Claim 4, the same rejection is thus applied.

Claim 23

The rejection of base claim 19 is incorporated. Since Claim 23 recites the same feature of Claim 5, the same rejection is thus applied.

Claim 25

The rejection of base claim 19 is incorporated. Since Claim 25 recites the same feature of Claim 7, the same rejection is thus applied.

Claim 26

The rejection of base claim 19 is incorporated. Since Claim 26 recites the same feature of Claim 8, the same rejection is thus applied.

Claim 27

The rejections of base claim 19 and intervening claim 26 are incorporated.
Since Claim 27 recites the same feature of Claim 9, the same rejection is thus applied.

Claim 28

The rejection of base claim 19 is incorporated. Since Claim 28 recites the same feature of Claim 10, the same rejection is thus applied.

Claim 29

The rejection of base claim 19 is incorporated. Since Claim 29 recites the same feature of Claim 11, the same rejection is thus applied.

Claim 30

The rejections of base claim 19 and intervening claim 29 are incorporated. Since Claim 30 recites the same feature of Claim 12, the same rejection is thus applied.

Claim 31

The rejections of base claim 19 and intervening claim 29 are incorporated. Since Claim 31 recites the same feature of Claim 13, the same rejection is thus applied.

Claim 32

The rejection of base claim 19 is incorporated. Since Claim 32 recites the same feature of Claim 14, the same rejection is thus applied.

Claim 33

The rejection of base claim 19 is incorporated. Since Claim 33 recites the same feature of Claim 15, the same rejection is thus applied.

Claim Rejections – 35 USC § 103

11. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0133405 by Newnam et al. (“Newnam”).

Claim 6

The rejection of base claim 1 is incorporated. Newnam does not specifically disclose *wherein speech communication occurs as voiceover IP (VoIP) via an audio feedback channel*. However, the examiner takes Official Notice that

“[v]oice over Internet Protocol, also called **VoIP**, **IP Telephony**, **Internet telephony**, **Broadband telephony**, **Broadband Phone** and **Voice over Broadband**” which “is the routing of voice conversations over the Internet or through any other IP-based network” is old and well established in the art and that

“[c]ompanies providing VoIP service are commonly referred to as providers, and protocols which are used to carry voice signals over the IP network are commonly referred to as **Voice over IP** or **VoIP** protocols. They may be viewed as commercial realizations of the experimental Network Voice Protocol (1973) invented for the ARPANET providers” for the following puposes:

“[V]oIP is location independent, only an internet connection is needed to get a connection to a VoIP provider; for instance call center agents using VoIP phones can work from anywhere with a sufficiently fast and stable Internet connection.

VoIP phones can integrate with other services available over the Internet, including video conversation, message or data file exchange in parallel with the conversation, audio conferencing, managing address books and passing information about whether others (e.g. friends or colleagues) are available online to interested parties.”

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have included VoIP in Newnam because the skilled artisan would have recognized that the advantages of integrating VoIP with other services using IP protocol in Newnam would enhance the information exchange taught in Newnam.

Claim 24

The rejection of base claim 19 is incorporated. Since Claim 24 recites the same feature of Claim 6, the same rejection is thus applied.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



August 23, 2007

**ANTONY NGUYEN-BA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100**